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lesliesantosple

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FILED
DISTRICT COURT OF GUAM

FEB 9 2007

MARY L.M. MORAN
CLERK OF COURT

FILED

DISTRICT COURT OF GUAM

JAN 26 2007

MARY L.M. MORAN
CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLIE SANTOS,

Defendant.

CRIMINAL CASE NO. 06-00112

AMENDED
PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, LESLIE SANTOS, enter into the following plea agreement:

1. The defendant, LESLIE SANTOS agrees to plead guilty to an Information charging her with Theft of Government Property, in violation of Title 18, United States Code, Section 641.

2. The defendant understands that the maximum sentence for Theft of Government Property in an amount less than \$1,000.00, in violation of 18 U.S.C. § 641, as a Class A misdemeanor as specified in 18 U.S.C. § 3559, is imprisonment for not more than one year and a maximum fine of \$100,000.00, together with any restitution as the court may order, and a \$25 special assessment fee as set forth in 18 U.S.C. § 3013. Any sentence of incarceration may include a term of supervised release of not more than one year as set forth in 18 U.S.C. § 3583(b)(3). If the court revokes a sentence of supervised release, the court may incarcerate the

1 Defendant up to an additional term of not more than one year. The total of \$25 special
2 assessment fee must be paid upon sentencing. The government will recommend that defendant
3 receive the low end of the sentencing guidelines, a fine, and credit for time served, if any.

4 3. If defendant is financially unable to immediately pay the fine in full, defendant agrees
5 to make a full disclosure of her financial status to the United States Attorney's Office by
6 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment
7 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
8 debt.

9 4. The defendant understands that to establish a violation of Theft of Government
10 Property, in violation of Title 18, United States Code, Section 641, the government must prove
11 each of the following elements beyond a reasonable doubt:

12 First, that the defendant knowingly and willingly stole money with the intention of
13 depriving the owner of the use or benefit of the money;

14 Second, the money belonged to the United States; and

15 Third, the value of the money was less than \$1000.00.

16 5. The defendant understands that the Sentencing Guidelines are advisory only. The
17 Court may still utilize the sentencing guidelines as an aid to determine the sentence to be
18 imposed. The government and the Defendant stipulate to the following facts for purposes of the
19 sentencing:

20 a. The defendant was born in 1971 and is a citizen of the United States.

21 b. That Beginning on or about September 2005, and continuing up to on or about January
22 2006, in the District of Guam, the defendant, LESLIE SANTOS, willfully and knowingly, did
23 steal and purloin United States currency from the Navy Exchange, Guam. That United States
24 currency from the Navy Exchange, Guam, is property of the United States. That the value of the
25 United States currency stolen and purloined from the Navy Exchange, Guam, was of the value of
26 \$1234.91. That the United States currency from the Navy Exchange, Guam, had come into the
27
28

possession and under the care of the defendant, LESLIE SANTOS, by virtue of her employment as a cashier at the Navy Exchange, Guam.

6. The defendant understands that notwithstanding any agreement of the parties, the United States Probation Office will make an independent application of the Sentencing Guidelines or determine an appropriate sentencing range. The defendant acknowledges that should there be discrepancies in the final Sentencing Guidelines or sentencing range, projected by her counsel or any other person, such discrepancy is not a basis to withdraw her guilty plea.

7. The defendant agrees to pay restitution in the amount of \$1234.91 to the Navy Exchange in Guam.

8. The defendant agrees to waive any right to appeal or to collaterally attack her conviction. The defendant reserves the right to appeal the sentence actually imposed in her case.

9. The defendant acknowledges that she has been advised of her rights as set forth below prior to entering into the plea agreement. Specifically, defendant has been fully advised of, has had sufficient opportunity to reflect upon, and understands the following:

a. The nature and elements of the charge and the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law;

b. Her right to be represented by an attorney;

c. Her right to plead not guilty and the right to be tried by a jury and at that trial, the right to be represented by counsel, the right to confront and cross-examine witnesses against her, and the right not to be compelled to incriminate herself, that is, the right not to testify;

d. That if she pleads guilty, there will not be a further trial of any kind on the charges to which such plea is entered so that by entering into the plea agreement, she waives, that is, gives up, the right to a trial;

e. That, upon entry of a plea of guilty, or thereafter, the Court may ask her questions about the offenses to which he has pled, under oath, and that if she answers these questions under oath, on the record, her answers may later be used against her in a prosecution for perjury or false statement if an answer is untrue;

1 f. That she agrees that the plea agreement is voluntary and not a result of any force,
2 threats or promises apart from her plea agreement;

3 g. That she reads, writes and speaks the English language and has no need for an
4 interpreter;

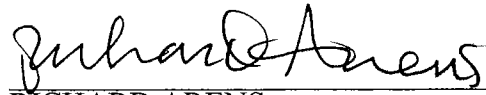
5 h. That she has read the plea agreement and understands it; and

6 i. The Defendant is satisfied with the representation of her lawyer and feels that her
7 lawyer has done everything possible for her defense.

8
9 DATED: 1/25/07



LESLIE SANTOS
Defendant

11 DATED: 1/25/07


RICHARD ARENS
Attorney for Defendant

14 LEONARDO M. RAPADAS
15 United States Attorney
16 Districts of Guam and NMI

17 DATED: 1/26/07

18 By: 
19 RYAN M. ANDERSON
20 Special Assistant U.S. Attorney

21 DATED: 1/25/07


22 JEFFREY J. STRAND
23 First Assistant U.S. Attorney